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EVELYN M. SOMMER
30TH FLOOR
825 THIRD AVENUE
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Application of :
Armando R. Lopez :
Application No. 10/051,994 :
Filed: 22 January, 2002 :
For: Skin Protective Compositions :
ON PETITION

This is a decision on the petition styled under 37 CFR 1.182, filed on 12 April, 2002, requesting that the above-identified application be accorded a filing date of 22 January, 2002, with Pages 5, 11, 15 as a part of the original disclosure.

The petition is granted.

The application was filed on 22 January, 2002. However, on 8 March, 2002, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application, stating that the application had been accorded a filing date but that Pages 5, 11, and 15 of the specification (description and claims) appeared to have been omitted.

In response, on 12 April, 2002, a copy of the specification, the present petition, and a petition fee were filed. Petitioner argues that Pages 5, 11, and 15 were filed with the other application papers on 22 January, 2002, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 22 January, 2002, and the above-identified application number, and, identifies the application by inventor's name and invention title, and acknowledges receipt of, *inter alia*, "18 page patent application". Petitioners request that the application, including Pages 5, 11, and 15 of the specification, be accorded a filing date of 22 January, 2002.

A review of the record reveals that no Pages 5, 11, and 15 of the specification has been located among the application papers deposited on 22 January, 2002. However, the evidence is

convincing that the application papers deposited on 22 January, 2002, included Pages 5, 11, and 15 of the specification, which were subsequently misplaced in the Office. Therefore, the application, including Pages 5, 11, and 15 of the specification, is entitled to a filing date of 22 January, 2002.

The "Notice" mailed on 8 March, 2002, is vacated.

Petitioner is cautioned that in future filings, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims, and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).¹

In view of the above, the petition is granted. The petition fee is unnecessary and petitioner may request a refund thereof by writing to the Office of Finance, ATTN: Refund Section. A copy of this decision should accompany petitioner's request.

The application will be processed and examined using the application papers filed on 22 January, 2002, and the copies of Pages 5, 11, and 15 of the specification supplied on 12 April, 2002. The copies of the other application papers filed on 12 April, 2002, will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 22 January, 2002, using the application papers filed on 22 January, 2002, and the copies of Pages 5, 11, and 15 supplied on 12 April, 2002.

¹See MPEP 503.

Telephone inquires should be directed to Petitions Attorney
Douglas I. Wood at 703 308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy